

EXHIBIT 11

***UNREDACTED VERSION
OF DOCUMENT SOUGHT
TO BE SEALED***

EXHIBIT 11

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17 Attorneys for Defendant: Otto Trucking LLC

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 Waymo LLC,
22 Plaintiff,
23 v.
24 Uber Technologies, Inc.; Ottomotto LLC; Otto
25 Trucking LLC,
26 Defendants.

Case No. 3:17-cv-00939-WHA

**STIPULATION OF FACTS REGARDING
DISCOVERY ISSUES**

Date: Thursdays
Time: 8:00 a.m.
Courtroom: 8
Judge: Hon. William Alsup

1 Plaintiff Waymo LLC and defendant Otto Trucking LLC hereby enter into the following
2 stipulation and agreement to resolve certain discovery disputes.

3 1. For several weeks Waymo and Otto Trucking have met and conferred about a
4 number of discovery issues regarding Google's forensic investigation of Anthony Levandowski's
5 computers and activities in the months leading up to his departure. These issues included Otto
6 Trucking's demand for the production of Anthony Levandowski's computers and devices and
7 [REDACTED]

8 2. To resolve a number of disputes, Waymo has agreed to stipulate to the following
9 facts which will also be admissible at trial:

10 **Retention of SVN Logs**

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 **Anthony Levandowski's HP Workstation**

21 7. At the time of his departure from Google, the predecessor of plaintiff Waymo LLC,
22 Anthony Levandowski was using three computers – two laptops, called [REDACTED]
23 [REDACTED], and a computer called the "Hewlett Packard H420 Workstation" (the "HP Work
24 Station")

25 8. Although Google performed a forensic investigation of the two laptops, it did not
26 perform any forensic investigation or analysis on the HP Workstation or logs generated by the HP
27 Workstation.
28

1 9. Google/Waymo did not investigate whether a card reader had been inserted into the
2 HP Workstation or any other devices.

3 10. After collecting the HP Workstation, Google reformatted the computer and
4 reallocated it to another Google employee.

5 11. Google did not retain an image of the HP Workstation and the reformatting of that
6 computer permanently deleted all information on the HP Workstation.

7 12. That computer has been in use by a Google employee since it was reallocated on
8 February 25, 2016.

9 13. Google has not retained any of Anthony Levandowski's devices identified in
10 WAYMO-UBER-00029412 other than the reformatted HP Workstation in use by a Google
11 employee.

12 14. Google has not retained any images of the devices identified in WAYMO-UBER-
13 00029412 other than images of the two laptops used by Mr. Levandowski at the time of his
14 departure – Anthonlyl0-w and Anthony-glaptop.

15 **Production of Log Information**

16 15. Otto Trucking has requested that Waymo produce log information and [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 16. Waymo has produced SVN data for a sampling of engineers on the Chauffeur team,
23 but has otherwise refused to provide any of the SVN data requested by Otto Trucking.

24 17. Gary Brown and Kristin Gnuddjson did not review any of the SVN data or other
25 log information or metadata described in paragraphs 15, 16 and 18 as part of their investigation.

26 18. Waymo has refused to provide the following information:

(a) All log information and metadata relating to any of Anthony Levandowski's devices other than for [REDACTED], the only computer for which Google reviewed any log information, and

(b) The following log information for the following individuals relating to these individuals interactions with the Waymo/Google network:

The figure consists of four heatmaps arranged in a 2x2 grid. The top row is labeled "Type of log information" and the bottom row is labeled "Individuals". The left column shows data for individuals 7 through 24, and the right column shows data for types of log information.

The color scale for all heatmaps ranges from dark red (low values) to light yellow (high values).

- Type of log information (Top Row):**
 - Individual 7: High values (~0.8-1.0) across most types.
 - Individual 8: High values (~0.8-1.0) across most types.
 - Individual 9: High values (~0.8-1.0) across most types.
 - Individual 10: High values (~0.8-1.0) across most types.
 - Individual 11: High values (~0.8-1.0) across most types.
 - Individual 12: Very high values (~1.0) across most types.
 - Individual 13: High values (~0.8-1.0) across most types.
 - Individual 14: High values (~0.8-1.0) across most types.
 - Individual 15: High values (~0.8-1.0) across most types.
 - Individual 16: High values (~0.8-1.0) across most types.
 - Individual 17: High values (~0.8-1.0) across most types.
 - Individual 18: High values (~0.8-1.0) across most types.
 - Individual 19: High values (~0.8-1.0) across most types.
 - Individual 20: High values (~0.8-1.0) across most types.
 - Individual 21: High values (~0.8-1.0) across most types.
 - Individual 22: High values (~0.8-1.0) across most types.
 - Individual 23: High values (~0.8-1.0) across most types.
 - Individual 24: High values (~0.8-1.0) across most types.
- Individuals (Bottom Row):**
 - Type of log information 7: High values (~0.8-1.0) across most individuals.
 - Type of log information 8: High values (~0.8-1.0) across most individuals.
 - Type of log information 9: High values (~0.8-1.0) across most individuals.
 - Type of log information 10: High values (~0.8-1.0) across most individuals.
 - Type of log information 11: High values (~0.8-1.0) across most individuals.
 - Type of log information 12: Very high values (~1.0) across most individuals.
 - Type of log information 13: High values (~0.8-1.0) across most individuals.
 - Type of log information 14: High values (~0.8-1.0) across most individuals.
 - Type of log information 15: High values (~0.8-1.0) across most individuals.
 - Type of log information 16: High values (~0.8-1.0) across most individuals.
 - Type of log information 17: High values (~0.8-1.0) across most individuals.
 - Type of log information 18: High values (~0.8-1.0) across most individuals.
 - Type of log information 19: High values (~0.8-1.0) across most individuals.
 - Type of log information 20: High values (~0.8-1.0) across most individuals.
 - Type of log information 21: High values (~0.8-1.0) across most individuals.
 - Type of log information 22: High values (~0.8-1.0) across most individuals.
 - Type of log information 23: High values (~0.8-1.0) across most individuals.
 - Type of log information 24: High values (~0.8-1.0) across most individuals.

Other Discovery Issues

19. At the time of Anthony Levandowski's employment at Google, it was possible for an employee with access to the files contained on the Chauffeur SVN server to download and install Tortoise SVN on a personal computer outside the Google network.

1 20. Waymo/Google did not have at the time of Anthony Levandowski's employment at
2 Google have any documents that reflect any policy, procedure or guideline relating to how
3 Waymo/Google determined which employees could access the allegedly highly confidential and
4 secure SVN server.

5 21. Waymo does not have any policy, procedure or guidelines relating to how access to
6 the SVN server is determined.

7 22. Waymo/Google did not have during the time of Anthony Levandowski's
8 employment at Google any policy regarding its employees permission to reformat their computers,
9 including no policies or documents indicating that its employees were not allowed to reformat
10 their computers from the Windows operating system to a Linux operating system.

11 23. Waymo still does not have any policy regarding reformatting a company computer
12 to install Linux.

13 24. Waymo/Google did not have during the time of Anthony Levandowksi's
14 employment at Google have any policies, procedures, guidelines, or other documents that suggest
15 that using TortoiseSVN to access the Chauffeur SVN server is prohibited in any way or otherwise
16 indicates that accessing the Chauffeur SVN server is improper.

17 25. Waymo still does not have any policies, procedures, or guidelines that using
18 Tortoise SVN to access the Chauffeur SVN is improper.

19 26. Waymo/Google encourages the use of Tortoise SVN to access the Chauffeur SVN.

20 27. Waymo/Google did not have during the time of Anthony Levandowski's
21 employment at Google have any documents demonstrating that Waymo/Google placed any
22 restrictions on its employees from downloading documents from the SVN server, including
23 documents containing information that Waymo claims in this case to be its highly confidential
24 trade secret information.

25 28. Waymo still does not have any documents demonstrating restrictions on
26 downloading documents from the SVN server.

27 29. Waymo/Google is unwilling to produce the landing pages for the internal
28 Chauffeur Wiki that are linked to and referenced in its document productions, including the

1 landing pages for the links contained in WAYMO-UBER-00015963 and the landing pages for the
2 search terms that Anthony Levandowski allegedly used on December 3, 2015 as stated in the
3 Declaration of Gary Brown at paragraph 15: "chauffeur svn login" and "chauffeur svn eee setup."

4 30. Waymo/Google is unwilling to produce any documents relating to how often
5 employees who were part of the Chauffeur team reformatted their computers.

6 Dated: August 22, 2017

7 Respectfully submitted,

8 By: /s/
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28 Dated: August 22, 2017

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